



Family Law (Bilateral Arrangements— Intercountry Adoption) Amendment (2014 Measures No. 2) Regulation 2014

Select Legislative Instrument No. 93, 2014

I, General the Honourable Sir Peter Cosgrove AK MC (Ret'd),
Governor-General of the Commonwealth of Australia, acting with the
advice of the Federal Executive Council, make the following regulation.

Dated 26 June 2014

Peter Cosgrove
Governor-General

By His Excellency's Command

George Brandis QC
Attorney-General

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1 Name of regulation

This regulation is the *Family Law (Bilateral Arrangements—Intercountry Adoption) Amendment (2014 Measures No. 2) Regulation 2014*.

2 Commencement

This regulation commences on the day after it is registered.

3 Authority

This regulation is made under the *Family Law Act 1975*.

4 Schedule(s)

Each instrument that is specified in a Schedule to this instrument is amended or repealed as set out in the applicable items in the Schedule concerned, and any other item in a Schedule to this instrument has effect according to its terms.

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Schedule 1—Amendments

Family Law (Bilateral Arrangements—Intercountry Adoption) Regulations 1998

1 Regulation 5

Repeal the regulation, substitute:

5 Australian adoption in a prescribed overseas jurisdiction of a child from that overseas jurisdiction

- (1) This regulation applies to an adoption of a child in a prescribed overseas jurisdiction (including an adoption that took place in the overseas jurisdiction before the overseas jurisdiction was prescribed under regulation 4) if:
 - (a) at the time of the adoption, the child was habitually resident in the overseas jurisdiction; and
 - (b) the adoption was by a person habitually resident in a State of Australia; and
 - (c) the competent authority of that State has agreed that the adoption may proceed; and
 - (d) a certificate (an *adoption compliance certificate*) is in force in relation to the adoption that:
 - (i) was issued by a competent authority of the overseas jurisdiction; and
 - (ii) states that the adoption was carried out in accordance with the laws of the overseas jurisdiction; and
 - (e) the adoption has the effect of ending the legal relationship between the child and each person who was, immediately before the adoption, the child's parent; and
 - (f) an Australian court has not made:
 - (i) an adoption order in relation to the child; or
 - (ii) an order recognising or declaring the overseas adoption to be valid.
- (2) The adoption is recognised and effective, for the laws of the Commonwealth and each State, on and after the date of effect of the adoption in the prescribed overseas jurisdiction.

- (3) If the date of effect of the adoption in the prescribed overseas jurisdiction was before the commencement of this regulation, the adoption is taken to have been recognised and effective, for the laws of the Commonwealth and each State, on and after the date of effect of the adoption.

Note: For the application of these Regulations to a State, see regulation 8.

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